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SEA

SERVICE DATE – SEPTEMBER 19, 2006

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB DOCKET NO. AB-55 (Sub-No. 674X)

**CSX Transportation, Inc. - Abandonment Exemption -
In Vigo County, IN**

BACKGROUND

In this proceeding, CSX Transportation, Inc. (CSXT) filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment of an approximately 7.4-mile line of railroad in Vigo County, Indiana. The rail line extends between milepost OZF 5.0, near Terre Haute, and milepost OZF 12.4, near Riley. A map depicting the rail line in relationship to the area served is appended to the Environmental Assessment (EA). If the notice becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances and dispose of the right-of-way.

ENVIRONMENTAL REVIEW

CSXT submitted an environmental report that concludes the quality of the human environment would not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. CSXT served the environmental report on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's (Board) environmental rules [49 CFR 1105.7(b)].¹ The Board's Section of Environmental Analysis (SEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

CSXT states that no local traffic has moved over the line for at least two years and that any overhead traffic can be rerouted. Accordingly, the proposed abandonment would not adversely impact the development, use, and transportation of energy resources or recyclable commodities; transportation of ozone-depleting materials; or result in the

¹ The railroad's environmental and historic reports are available for viewing on the Board's website at www.stb.dot.gov by going to "E-Library," selecting "Filings," and then conducting a search for AB-55 (Sub-No. 674X).

diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network.

Salvage Activities

CSXT states that the line, which is a former coal line, follows the Wabash and Erie Canal.² The right-of-way varies in width between 30 and 50 feet from the centerline of track and traverses several waterways, including Little Honey Creek, Honey Creek, and the Wabash and Erie Canal. The proposed abandonment would also allow for the elimination of 13 grade crossings.

The National Geodetic Survey (NGS) identified ten geodetic station markers that may be affected by the proposed abandonment. Therefore, the railroad shall notify NGS at least 90 days prior to beginning salvage activities in order to plan for their possible relocation by NGS.

According to the U.S. Fish and Wildlife Service (USFWS), the proposed project is within the range of the Federally endangered Indiana bat (*Myotis sodalis*) and Federally threatened Bald eagle (*Haliaeetus leucocephalus*). However, USFWS stated that the proposed project would not likely adversely affect these species. In addition, the National Wetland Inventory indicates that there are wetlands in the immediate proximity of the proposed abandonment. To avoid or minimize impacts on fish and wildlife resources, USFWS recommends that CSXT: 1) avoid clearing trees or understory vegetation; 2) avoid impacts or mitigate unavoidable impacts to wetlands in accordance with the 1991 Memorandum of Agreement among the Indiana Department of Transportation, the Indiana Department of Natural Resources, and the USFWS; and 3) if necessary, implement temporary erosion and siltation control devices such as installation of silt fences or covering exposed areas with erosion control matting or straw. We will recommend that a condition be imposed requiring the railroad to comply with USFWS's specific recommendations pertaining to salvage activities on this proposed project.

CSXT indicates that some prime farmland may exist in the vicinity of the proposed project. The Natural Resource Conservation Service (NRCS) submitted comments stating that the proposed salvage activities should have no negative impacts on prime farmland. NRCS, however, expressed concerns regarding post-abandonment maintenance and development of the right-of way. It is well settled that in conducting environmental review in abandonment cases, the Board's role is limited to the anticipated impacts of the abandonment proposal before the agency, e.g., the likely diversion of traffic to other lines or transportation modes and the likely disruptive consequences of removing the track and related structures. Iowa Southern R. Co.-Exemption-Abandonment, 5 I.C.C.2d 496, 501(1989), aff'd, Goos v. ICC, 911 F.2d 1283 (8th Cir. 1990). Accordingly, SEA does not recommend environmental conditions regarding the

² Since the line has not been used in over eight years for the transportation of coal and the coal facility is no longer in operation, CSXT believes that the proposed action would have no effect on the transportation of energy resources.

post-abandonment use of the right-of-way, and it would not be appropriate or consistent with Board precedent for SEA to recommend a condition regarding responsibility for maintenance or redevelopment of the right-of-way.

The U.S. Army Corps of Engineers' Louisville District (Corps) has not submitted any comments regarding the proposed abandonment. However, the railroad does not intend to appreciably remove or alter the contour of the roadbed underlying the rail line, and disturbed areas will be limited to the right-of-way wherever possible. CSXT also has no plans to undertake in-stream work or dredge and/or fill any materials in connection with the proposed abandonment. Accordingly, we have included the Corps' Louisville District on the service list for this proceeding to ensure that they receive a copy of this EA.

The U.S. Environmental Protection Agency, Region 5 (USEPA), submitted a number of comments expressing concern regarding removal and salvage methods; final disposition of crossties preserved with creosote; permits related to the Clean Water Act; maintenance of machinery to minimize noise and air pollution; procedures for the prevention and/or control of spills; runoff mitigation practices to be utilized during salvage activities; and recycling of salvaged materials. In a letter dated August 16, 2006, CSXT adequately addressed USEPA's concerns.

As part of the proposed salvage activities, CSXT states that it intends to remove rail, crossties, and possibly the upper layer of ballast. Salvage would be performed within the right-of-way, and the removal of material would be accomplished by utilizing existing public and private crossings. CSXT further states that no new access roads are contemplated. Crossties and other debris would be transported away from the line and would not be discarded along the right-of-way, in streams or wetlands, or along the banks of waterways. CSXT does not intend to disturb any of the underlying roadbed or perform any activities that would cause sedimentation or erosion of the soil. In addition, CSXT does not anticipate any dredging or use of fill in the removal of the track material. CSXT states that it would take precautions during salvage operations to prevent or control spills from fuels, lubricants, or other pollutant materials from entering any waterways. Accordingly, we recommend that a condition be imposed requiring CSXT to conduct salvage activities in the manner it has proposed.

The Indiana Department of Natural Resources' Division of Water (IDNR) reviewed the proposed abandonment and recommended that CSXT: 1) implement appropriate measures for controlling erosion and to prevent sediment from entering the stream or leaving the construction site; 2) revegetate all bare and disturbed areas in accordance with its August 8, 2006 letter; and 3) where the railroad berm crosses low-lying wet areas, remove or have notches cut to the surrounding grade at frequent intervals to restore the natural hydrology. We will recommend that the railroad coordinate with IDNR to ensure that appropriate measures are implemented during the proposed salvage activities.

Based on all information available to date, SEA does not believe that salvage activities would cause significant environmental impacts. SEA is providing a copy of this EA to the following groups and agencies for review and comment: NRCS; Corps; USFWS; USEPA; and INDNR.

Additional Comments

The West Central Indiana Economic Development District (WCIEDD) is the designated Metropolitan Planning Organization for Vigo County and the City of Terre Haute and functions as the coordinating agency for transportation issues that affect local government agencies. WCIEDD submitted comments stating that abandonment of the line would have a negative impact on land use planning, economic development planning, and transportation planning in Vigo County. Furthermore, WCIEDD stated that rail access to a proposed industrial site is crucial to the potential development of the location and, therefore, WCIEDD does not support the proposed abandonment.

The Terre Haute Economic Development Corporation (THEDC) also submitted comments stating that Resource Land Holdings, Inc. is purchasing the former Chinook coal mine property that is served by the line. THEDC further states that it is optimistic about the potential to redevelop the Chinook property and believes that potential exists for CSXT to obtain significant new business from the site in the future.

HISTORIC REVIEW

CSXT submitted the historic report on the Indiana Department of Natural Resources' Department of Historic Preservation and Archaeology (the State Historic Preservation Office or SHPO), pursuant to 49 CFR 1105.8(c). There are six timber trestle bridges on the line that are 50 years old or older. The bridges were built between 1940 and 1943, and range in length from 71-feet to 302-feet long. CSXT indicates that these bridges have been modified during routine maintenance to meet safety, operational, and regulatory requirements. CSXT also states that the right-of-way was disturbed during construction of the line by cuts and fill; accordingly, CSXT states that any archaeological resources that may have been located in the proposed project area would have been affected at that time.

The SHPO has not completed its review of the proposed abandonment. Accordingly, we will recommend a condition requiring the railroad to retain its interest in and take no steps to alter the historic integrity of all sites, buildings, and structures within the project right-of-way that are eligible for listing or listed in the National Register of Historic Places until the Section 106 process has been completed.

SEA conducted a search of the Native American Consultation Database at <http://www.nps.gov/nacd/> to identify Federally recognized tribes that may have ancestral connections to the project area. The database indicated that the following tribes may have an interest in the proposed abandonment: Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas; Kickapoo Tribe of Oklahoma; Miami Tribe of

Oklahoma; and Peoria Tribe of Indians of Oklahoma. Accordingly, SEA is sending a copy of this EA to these tribes for their review and comment.

CONDITIONS

SEA recommends that the following environmental conditions be placed on any decision granting abandonment authority:

1. The National Geodetic Survey (NGS) identified ten geodetic station markers that may be affected by the proposed abandonment. Therefore, CSX Transportation, Inc. shall notify NGS at least 90 days prior to beginning salvage activities in order to plan for their possible relocation by NGS.
2. To avoid or minimize impacts on fish and wildlife resources, CSX Transportation, Inc. shall conduct salvage activities in the following manner: 1) avoid clearing trees or vegetation; 2) avoid impacts or mitigate unavoidable impacts to wetlands; and 3) if necessary, implement temporary erosion and siltation control devices.
3. CSX Transportation, Inc. shall conduct salvage activities in the following manner: 1) perform salvage activities within the right-of-way and utilize existing public and private crossings; 2) transport crossties and other debris away from the right-of-way, streams, wetlands, and banks of waterways; 3) avoid disturbing the underlying roadbed and any activities that would cause sedimentation or erosion of the soil; 4) avoid dredging or use of fill in the removal of the track material; and 5) take precautions during salvage operations to prevent or control spills from fuels, lubricants or any other pollutant materials from entering any waterways.
4. To address the concerns of the Indiana Department of Natural Resources' Division of Water (IDNR) regarding matters such as erosion control, CSX Transportation, Inc. shall coordinate with IDNR to ensure that appropriate measures are implemented during the proposed salvage activities.
5. CSX Transportation, Inc. (CSXT) shall retain its interest in and take no steps to alter the historic integrity of all sites, buildings, and structures within the project right-of-way that are eligible for listing or listed in the National Register of Historic Places until the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f, has been completed. CSXT shall report back to the Section of Environmental Analysis regarding any consultations with the Indiana Department of Natural Resources' Department of Historic Preservation and Archaeology (State Historic Preservation Office or SHPO) and any other Section 106 consulting parties. The railroad may not file its consummation notice or initiate salvage activities (including removal of the tracks and ties) until the Section 106 process has been completed and the Board has removed this condition.

CONCLUSIONS

Based on the information provided from all sources to date, SEA concludes that, as currently proposed, and if the recommended conditions are imposed, abandonment of the line would not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

PUBLIC USE

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 CFR 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

TRAILS USE

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice for exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 CFR 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Services (OPS) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPS directly at (202) 565-1592, or mail inquiries to Surface Transportation Board, Office of Public Services, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this EA, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Christa Dean who prepared this EA. Environmental comments may also be filed electronically on the Board's website, www.stb.dot.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB-55 (Sub-No. 674X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this EA, please contact Christa Dean the environmental contact for this case, by phone at (202) 565-1606, fax at (202) 565-9000, or e-mail at deanc@stb.dot.gov.

Date made available to the public: September 19, 2006.

Comment due date: October 4, 2006.

By the Board, Victoria Rutson, Chief, Section of Environmental Analysis.

Vernon A. Williams
Secretary

Attachment